

## Article - Natural Resources

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§8–2A–04.

(a) The BayStat Program shall direct the administration of the Trust Fund in accordance with this section.

(b) (1) The BayStat Program shall implement nonpoint source pollution reduction measures to:

(i) Support State and local watershed implementation plans by targeting limited financial resources on the most effective nonpoint source pollution control projects; and

(ii) Improve the health of the Atlantic Coastal Bays and their tributaries by targeting funds, geographically and by practice, to proven, scientifically based projects that provide the most cost-effective and measurable water quality benefits to the Atlantic Coastal Bays and their tributaries.

(2) To the maximum extent practicable, the BayStat Program shall distribute the Trust Fund moneys on a competitive basis.

(c) (1) The BayStat Program shall distribute funds from the Trust Fund to the BayStat Subcabinet agencies in accordance with the final work and expenditure plans.

(2) The BayStat Subcabinet agencies shall administer the funds in accordance with the final work and expenditure plans, including the distribution of funds:

(i) Through grants to:

1. Counties;
2. Bicounty agencies;
3. Municipalities;
4. Forest conservancy district boards;
5. Soil conservation districts;

6. Academic institutions; and

7. Nonprofit organizations having a demonstrated ability to implement nonpoint source pollution control projects;

(ii) To the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund established under § 9–1605.3 of the Environment Article;

(iii) To the Maryland Agricultural Cost–Share Program established under Title 8, Subtitle 7 of the Agriculture Article for nonpoint source pollution control projects; and

(iv) To the Mel Noland Woodland Incentives Fund established under § 5–307 of this article.

(3) (i) The BayStat Program shall develop solicitations, guidelines, and applications for Trust Fund grants that shall include consideration of the extent to which a proposed project, both geographically and by practice, will deliver the greatest, most cost–effective, and measurable nonpoint source pollution reduction per Trust Fund dollar.

(ii) The BayStat Program shall encourage and consider multi–year, multi–partner proposals, local match or cost–share agreements, or similar actions proposed by a grant applicant in evaluating a Trust Fund grant application.

(d) Any grant agreement regarding funds from the Trust Fund shall:

(1) Specify the use of the funds provided under the grant, accountability measures, and performance requirements;

(2) Take into account the need for efficient, multi–year funding and administration; and

(3) Include provisions for verification that practices are being implemented.

(e) (1) A recipient of funds from the Trust Fund in any fiscal year shall submit an annual report to the BayStat Program by November 1 of the next fiscal year.

(2) The report required under paragraph (1) of this subsection shall include:

(i) For agencies receiving moneys from the Trust Fund:

including:

1. A description of how the funds were allocated,
  - A. The number and amounts of grants awards; and
  - B. Direct expenditures by the agency;
2. How funding was leveraged; and
3. Estimated or calculated nutrient reductions associated with Trust Fund expenditures.

(ii) For recipients of competitive grants from the Trust Fund, a description of funded projects, including:

1. Project location;
2. Description of practices implemented;
3. Timeframes for project completion;
4. Estimated or calculated nutrient reductions; and
5. Provisions for long-term maintenance of practices.

(f) Funds from the Trust Fund may not be used to enable an individual cited for noncompliance with a nonpoint source pollution control law or regulation to achieve compliance.

(g) (1) There is a BayStat Program Scientific Advisory Panel.

(2) The Governor shall appoint the chair and members of the BayStat Program Scientific Advisory Panel.

(3) The BayStat Program Scientific Advisory Panel shall include scientists and other technical experts with demonstrated expertise in the disciplines related to protection and restoration of the Chesapeake and Atlantic Coastal Bays.

(4) The BayStat Program Scientific Advisory Panel shall:

(i) On or before August 1, annually provide recommendations to the BayStat Subcabinet on the use of funds of the Trust Fund for the following fiscal year;

- (ii) Monitor the distribution of funds from the Trust Fund;
  - (iii) Review the categories of grants made in the previous year to assess nutrient loading reduction estimates and cost efficiencies and the effectiveness of any innovative nonpoint source pollution reduction measure;
  - (iv) Review the proposed annual work plan and advise the BayStat Subcabinet of any recommended changes;
  - (v) On request by the BayStat Subcabinet, review individual grant applications; and
  - (vi) Annually review any Trust Fund moneys that are not distributed on a competitive basis to assess whether those moneys may be distributed on a competitive basis.
- (h) The BayStat Subcabinet agencies may distribute to an administrative cost account the amount that is necessary to administer grant programs, not to exceed 1.5% of the allocations to the BayStat Subcabinet agencies.

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